

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FABRIZIO BIVONA,
Plaintiff

No. 3:23cv1154

(Judge Munley)

v.

BOROUGH OF GIRARDVILLE
(GIRARDVILLE BOROUGH COUNCIL
and GIRARDVILLE POLICE
COMMITTEE), MAYOR JUDITH L.
MEHLBAUM (individually); and
EDWARD BURNS (individually),
Defendants

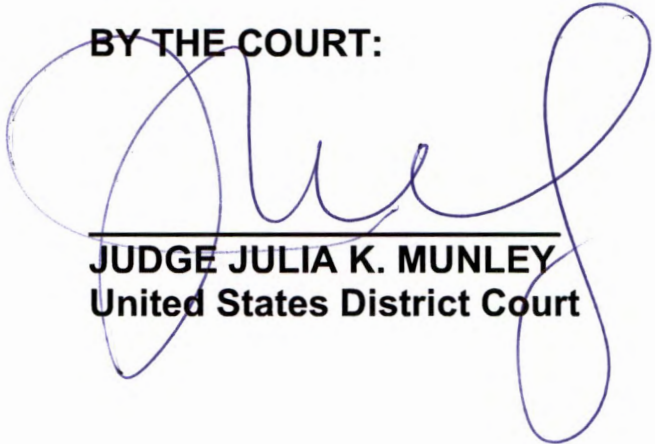
ORDER

AND NOW, this 27 day of August 2024, for the reasons set forth in an accompanying memorandum, it is hereby **ORDERED** that:

- 1) Defendants' motion to dismiss (Doc. 18) is **GRANTED** in part and **DENIED** in part;
- 2) Defendants' motion to dismiss is **GRANTED** with prejudice with regard to:
 - a) plaintiff's claim for punitive damages against the Borough of Girardville as part of any cause of action pursuant to Section 1983; b) plaintiff's claims for statutory and liquidated damages; c) plaintiff's Section 1981 claim against the Borough of Girardville; d) plaintiff's Section 1983 claims arising out of the Fourth and Fifth Amendments; and e) plaintiff's Title VII claims against the individual defendants;

- 3) Defendants' motion to dismiss is **DENIED** in all other respects;
- 4) Plaintiff's motion for leave to file a second amended complaint (Doc. 20) is **GRANTED**; and
- 5) Within seven (7) days of this order, plaintiff shall file a second amended complaint with the additional delineated causes of action and facts as proposed (Doc. 32-1) that also comports with the court's rulings on defendants' motion to dismiss above.

BY THE COURT:



JUDGE JULIA K. MUNLEY
United States District Court